

REMARKS

This is in response to the Office Action mailed on February 3, 2004, and the references cited therewith.

Claims 1, 5-6, 10-11, 15-16, 18, and 20 are amended; as a result, claims 1-20 are now pending in this application. The above-listed amendments do not introduce any new matter and are consistent with the original filed specification. Correspondingly, entry of the amendments is appropriate.

§102 Rejection of the Claims

Claims 1-4, 6-9, 11-14 and 16-20 were rejected under 35 USC § 102(e) as being anticipated by Busey et al. (U.S. 6,665,395). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claim must be taught or disclosed in the cited reference. Here, the Busey reference fails to teach or disclose the dynamic evaluation of a dialogue in order to dynamically modify one of the concurrent interactions with a customer, as is recited in Applicants' amended independent claims 1, 6, 11, 16, and 18.

More specifically, the Examiner appears to have broadly read the term "dialogue" in Applicants' independent claims so as to encompass the term "statistic" which is used in the Busey reference. Applicants respectfully disagree with this analogy between the terms dialogue and statistic, but for purposes of expediting the present invention the Applicants have made amendments to the independent claims which now clearly delineate the differences and uses of these terms between the present invention and the Busey reference.

In Busey, statistics reflect performance of an agent and are used for purposes of evaluating an agent during his/her performance review. Busey, col. 8, lines 22-34. Statistics are therefore actions associated with an agent. This is different than a dialogue that normalizes or captures interactions of a plurality of channels occurring with a customer. In fact, Busey makes no attempt to achieve this because statistics are recorded based on the exclusive (unilateral) actions of an agent. Conversely, the term dialogue connotes dual interactions (mutuality) between multiple parties. Additionally, the term dialogue connotes dynamic interaction, whereas the term statistic is typically associated with something that has occurred in the past (historical).

Furthermore, there is no teaching or even a suggestion of a teaching in Busey where dialogues (or even statistics) are dynamically evaluated for purposes of modifying one of the concurrent interactions. This limitation is now positively recited in Applicants' amended independent claims. The Examiner has directed the Applicants to a reference in Busey where an agent processes an option to stop any new incoming calls from coming to him or her. But, this is not relevant to the Applicants' positively recited claim language, because there can be no interaction occurring when this option is initiated by an agent. That is, these agent actions will preclude certain interactions from starting (coming into existence in the first instance) with a specific agent, but these actions are not based on dynamic evaluation of a dialogue for interactions concurrently occurring over a plurality of disparate channels. The interactions do not yet exist and therefore cannot be said to be modified when an agent identifies himself or herself as being busy. Further, the action of any particular agent is not based in any manner on a dialogue (or even statistics); rather, an agent just unilaterally determines that he/she is not going to be available for calls.

Therefore, Applicants respectfully assert that the amended claims now clearly recite differences that are not taught or disclosed in the Busey reference. Moreover, no matter how broadly the term statistic is read by the Examiner it is not a dialogue and is not used in the manners that are now positively recited in Applicants' amended independent claims. Accordingly, Applicants request that all present rejections be withdrawn.

Allowable Subject Matter

Claims 5, 10, 15 and 20 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 5, 10, 15, and 20 to be written in independent format as requested by the Examiner. Correspondingly, Applicants believe that these claims are now in condition for allowance.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

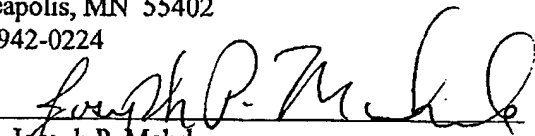
THOMAS G. BREWER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date 4-29-04

By


Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of April, 2004.

Peter Rebuffoni

Name

Peter Rebuffoni

Signature